

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**APRIL BECK, individually, and on
Behalf of All Others Similarly
Situated,**

Plaintiffs,

v.

No. 12-CV-00330-DRH-PMF

**VNA HOMECARE, INC., d/b/a VNA
TIP HOMECARE,**

Defendant.

**GAYLE HATFIELD, individually,
and on
Behalf of All Others Similarly
Situated,**

Plaintiffs,

No. 12-CV-00331-DRH-PMF

v.

**VNA HOMECARE, INC., d/b/a VNA
TIP HOMECARE,**

Defendant.

**MICHELE MARLOW AND
TONYA SMITH, individually, and
on
Behalf of All Others Similarly
Situated,**

Plaintiffs,

No. 12-CV-00332-DRH-PMF

v.

**VNA HOMECARE, INC., d/b/a VNA
TIP HOMECARE,**

Defendant.

**MICHELLE WHITE, individually,
and on
Behalf of All Others Similarly
Situated,**

Plaintiffs,

No. 11-CV-00971-DRH-PMF

v.

**VNA HOMECARE, INC., d/b/a VNA
TIP HOMECARE,**

Defendant.

PRELIMINARY ORDER APPROVING CLASS ACTION SETTLEMENT

Now before the Court is the Plaintiffs' Unopposed Motion And Memorandum Of Law In Support Of Preliminary Approval Of Class Action Settlement. The Court has reviewed the pleadings and evidence submitted by the Parties, and finds that the above-referenced Motion to Preliminarily Approve a Class Action Settlement should be **GRANTED**.

IT IS THEREFORE ORDERED:

1. *Preliminary Approval.* The Court finds that settlement negotiations were conducted at arms-length and in good faith between the Parties. Based upon its preliminary review of the Stipulation of Settlement, the Court finds that the proposed class settlement is reasonable and should be submitted to the Class Members for their consideration. Accordingly, the Court preliminarily approves the class settlement.

2. *Settlement Class Certification.* For purposes of Settlement, the Court approves the following Rule 23 and Collective Class:

All Plaintiffs and all similarly-situated individuals who worked as healthcare providers for VNA HomeCare, Inc. in Illinois and Missouri between April 19, 2009 and May 25, 2013 ("Class Period"). "Healthcare Providers" shall mean all persons who worked for VNA at any time during the Class Period in any of the following positions: (1) Registered Nurses (RNs); (2) Licensed Practical Nurses (LPNs); (3) Certified Occupational Therapy Assistants (COTAs); (4) Occupational Therapists (OTs); (5) Physical Therapists (PTs); (6) Physical Therapy Assistants (PTAs); (7) Speech Therapists (STs); (8) Home Health Aides (HHAs); and (9) Certified Nursing Aides (CNAs).

3. *Class Representative & Class Counsel.* Plaintiffs April Beck, Gayle Hatfield, Michelle Marlow, Tonya Smith, Michelle White, and Chester Jackson are appointed as the representatives for the class and the law firms of Maduff & Maduff, LLC, Touhy, Touhy & Buehler, LLP, and DiTommaso-Lubin, P.C. are appointed as counsel for the class.

4. *Notice.* The Parties have submitted a proposed notice of the Class Action Settlement to Settlement Class Members. The Court approves the proposed notice, a copy of which is document 74 in 11-CV-097. Within fourteen (14) days after the entry of this Order, the Claims Administrator shall cause the notice to be mailed to the last known home address of each class member by first class mail, postage prepaid. The Court concludes that this process, when completed, shall be deemed fair and reasonable notice to the class members.

5. *Claim Forms/FLSA Consent:* Any Settlement Class Member who wishes to submit a Claim Forms/FLSA Consent Form must send a completed Claim Forms/FLSA Consent Form, attached to the Stipulation of Settlement, to the Claims Administrator by mail postmarked no later than forty-five (45) days after the mailing of the Notice of Settlement.

6. *Requests for Exclusion.* Any Settlement Class Member who wishes to submit a Request for Exclusions Form must send a completed Request for Exclusions Form, attached to the Stipulation of Settlement, to the Claims Administrator by mail postmarked no later than forty-five (45) days after the mailing of the Notice of Settlement.

7. *Objections.* Any Settlement Class Member who wishes to submit an objection to the Stipulation of Settlement must do so in accordance with the procedures set forth in the Stipulation for Settlement and it must be postmarked no later than forty-five (45) days after the mailing of the Notice of Settlement. Lead Class Counsel shall file all objections and other papers in support of such objections with the Court no later than 65 days after mailing of the Notice of Settlement.

8. *Fairness Hearing.* A final fairness hearing shall be held on **November 25, 2013 at 9:00 a.m.** before Chief Judge David R. Herndon, at which time the Court will consider whether the proposed class settlement should be given final approval. Objections by Settlement Class Members who did not timely request exclusion from the Class will be considered if their objections were filed and served as provided above. Settlement Class Members who failed to file and serve written objections as provided above shall not be heard during the fairness hearing, nor shall their objections be considered by the Court.


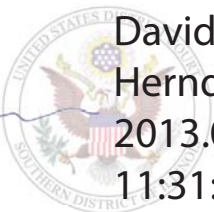
9. *Motion to Approve the Stipulation of Settlement.* Lead Class Counsel shall file a motion to approve this Stipulation of Settlement, a Motion to Consolidate the lawsuits into *Michelle White v. VNA HomeCare, Inc.*, No. 3:11-cv-00971-DRH-PMF, and a Motion for Leave to File a Second

Amended Complaint in *Michelle White v. VNA HomeCare, Inc.*, No. 3:11-cv-00971-DRH-PMF seven (7) days before the Fairness Hearing.

10. *Petition for Attorneys' Fees and Expenses.* Class Counsel shall file a petition for an award of attorneys' fees and costs seven (7) days before the Fairness Hearing.

IT IS SO ORDERED.

Signed this 13th day of August, 2013.

 
David R.
Herndon
2013.08.13
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**Chief Judge
United States District Court**